

FILED *for*
RAH

SEP 13 2005

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JOHN F. CORCORAN, CLERK
BY: *H. McDonald*
DEPUTY CLERK

DUNCAN MCNEIL,)	
Plaintiff,)	Civil Action No. 7:05cv00439
)	
v.)	ORDER
)	
UNITED STATES, <u>et al.</u> ,)	By: Jackson L. Kiser
Defendants.)	Senior U.S. District Court Judge

This matter is before the court upon plaintiff Duncan McNeil's second motion for reconsideration, document number 13.¹ By order entered July 27, 2005, plaintiff's complaint was dismissed without prejudice pursuant to 28 U.S.C. §1915(g). Since then this court has denied plaintiff's first motion for reconsideration and his motion to alter judgment.²

Plaintiff has not presented any new evidence in support of this motion. Plaintiff does not challenge this court's finding of fact that plaintiff has had at least three civil actions dismissed by the United States District Court for the Eastern District of Washington pursuant to 28 U.S.C. § 1915A(b)(1) and he has yet to provide any evidence suggesting he is under imminent danger of serious physical injury sufficient to allow him to proceed in forma pauperis without prepayment of the \$250.00 filing fee. Accordingly, I find that this matter was properly dismissed pursuant to § 1915(g) and plaintiff's motion for reconsideration is hereby **DENIED**.

The Clerk of the Court is directed to send certified copies of this order to the plaintiff and to counsel of record for the defendants.

ENTER: This 13th day of September, 2005.

Jackson L. Kiser
Senior United States District Judge

¹Plaintiff's complaint is entitled "Second Amended and Verified Complaint," however as I dismissed all of plaintiff's claims before plaintiff signed this pleading, I will consider it as a motion for reconsideration

²See document numbers 7 and 10.